

A

B I L L

TO

Amend "The Irish Church Act, 1869," and to provide further compensation to certain Persons being Priests and Deacons of the late Established Church of Ireland. A.D. 1873.

WHEREAS to certain persons being priests or deacons of the late Established Church of Ireland there were awarded and declared to be payable by the Commissioners of Church Temporalities in Ireland, acting in execution and in virtue of the powers given to them by the Irish Church Act, 1869, certain annuities as compensation for the loss by them sustained by reason of the disestablishment of the late Established Church of Ireland:

And whereas it is expedient that all just and equitable claims of such persons as aforesaid should be considered and adjudicated upon, and that just and sufficient compensation should be made to such persons as aforesaid in respect of such loss as was sustained by them as aforesaid:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited for all purposes as "The Irish Church Amendment Act, 1873," and shall commence and come into operation on the *first day of November one thousand eight hundred and seventy-three*. Short title and commencement.

2. In the construction and for the purposes of this Act the following words and expressions shall have the meanings hereby assigned to them respectively, unless there be something in the subject or context repugnant thereto; that is to say, Interpretation.

"The original Act" shall mean the Irish Church Act, 1869:

The "said church" shall mean the Church of Ireland as by law established prior to the enactment of the Irish Church Act, 1869:

[Bill 269.]

A

A.D. 1879.

"Minor incumbent" shall mean and include any priest or deacon of the late Established Church of Ireland who on the first day of January one thousand eight hundred and seventy-one was the incumbent of any rectory or vicarage in the said church, or perpetual curate of the said church, or a permanent curate of the said church within the meaning of the fifteenth section of the Irish Church Act, 1869, and to whom there was ascertained and declared to be payable by the Commissioners of Church Temporalities in Ireland, acting in exercise of powers by the said Irish Church Act, 1869, conferred upon them, an annuity less than two hundred and fifty pounds per annum:

"Such minor incumbent" shall mean and include any minor incumbent defined as aforesaid who shall have presented to the Commissioners of Church Temporalities in Ireland a memorial in pursuance of the provisions of this Act: 15

"The original annuity" shall mean the annuity by the Commissioners of Church Temporalities heretofore ascertained and declared to be payable to such minor incumbent.

Presentation
of memorial
by minor in-
cumbents.

3. Any minor incumbent may, within *six months after the date of the passing of this Act*, present to the Commissioners of Church Temporalities in Ireland a memorial setting forth the grounds and reasons whereby the original annuity should be considered insufficient in amount fully to compensate him for the loss by him incurred by reason of the disestablishment of the said church, and praying that, having regard to the statement and reasons in such memorial contained, the question of the sufficiency of the amount of the original annuity should be reconsidered by the Commissioners of Church Temporalities in Ireland and the amount thereof increased. 25

Adjudication
by Commis-
sioners of
Church Tem-
poralities.

4. The Commissioners of Church Temporalities in Ireland shall with all convenient speed take into their consideration every such memorial, and shall, having duly considered the grounds and reasons in the said memorial contained, adjudicate upon the prayer thereof, and may declare any such minor incumbent to have been entitled at the date at which the amount of the original annuity was ascertained to an annuity of an amount greater than the original annuity, and ascertain the amount of such greater annuity: 35

Provided always, that no such minor incumbent shall be declared by the Commissioners of Church Temporalities in Ireland, acting in pursuance of the powers by this section to them given, entitled to an annuity exceeding the amount of *two hundred and fifty pounds per annum*. 40

5. In adjudicating upon the prayer of any such memorial, the Commissioners of Church Temporalities in Ireland shall, for the purpose of ascertaining the sufficiency or the insufficiency of the original annuity, have regard to the probable increase of the income of such minor incumbent by reason of the operation of any statute in force at the date of the passing of the original Act for the augmentation of small livings in Ireland, and the funds, moneys, and property at such date vested in or under the control of the late Ecclesiastical Commissioners in Ireland, and applicable for such purposes, and also to the reasonable probability of the promotion of such minor incumbent in the said church.

A.D. 1879.
Method of ascertaining sufficiency or insufficiency of original annuity.

6. The excess of any annuity to be awarded by the Commissioners of Church Temporalities in Ireland, in pursuance of the provisions of this Act, to any such minor incumbent over the amount of the original annuity shall be considered as an additional and supplemental annuity payable to such minor incumbent for his life, and to have commenced on the first day of January in the year one thousand eight hundred and seventy-one.

Excess of awarded annuity to be considered as supplemental annuity.

7. The capitalised value of such additional and supplemental annuity as of the first day of January one thousand eight hundred and seventy-one shall be ascertained by the Commissioners of Church Temporalities in Ireland, and that portion of such capitalised value which would be received by an annuitant in case he compounded his annuity according to the ordinary terms in use by the Irish Church representative body shall be forthwith paid by the said Commissioners to such minor incumbent out of the same funds, and in the same priority out of such funds, as the commutation value of the original annuity, if the same was or had been commuted under the provisions of the original Act, was paid or would have been payable.

Capitalised value of supplemental annuity to be paid to minor incumbent.

8. No minor incumbent shall be held to be disentitled to take advantage of the provisions of this Act by reason of his having commuted or commuted and compounded for the original annuity, or having assigned, charged, or incumbered the same; and the right of any such minor incumbent to receive and retain for his own use any moneys which may become payable to him under the provisions of this Act shall not be affected by his having commuted or commuted and compounded for the original annuity, or having assigned, charged, or incumbered the same; and the moneys payable under the provisions of this Act to any such minor incumbent shall not be held to be a graft upon the original annuity.

Minor incumbent not disentitled by reason of his having commuted, &c.

A.D. 1879.

Minor incumbent
aggrieved
may refer to
arbitration.

9. When any such minor incumbent is aggrieved by any declaration, decision, or valuation to be made by the Commissioners of Church Temporalities in Ireland in pursuance of the provisions of this Act, he may, if he think fit, refer such question to arbitration, and every such dispute and difference shall be held to fall within the provisions for arbitration contained in the original Act.

Construction
of Act.

10. This Act is incorporated as one with the original Act.

Irish Church Act (1869) Amendment.

B I L L

To amend "The Irish Church Act, 1869," and to provide further compensation to certain Persons being Priests and Deacons of the late Established Church of Ireland.

*(Prepared and brought in by
Mr. David Parnell, Mr. Charles Guinness,
Mr. Maurice Brooke, Mr. Levent, and
Mr. Kerinsdale.)*

*Ordered, by The House of Commons, to be Printed,
29 July 1879.*

[Bill 200.]

Under 1 oz.